

Minutes of Special and Regular Meeting of October 27, 2009

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8, two parcels, APN 044-222-170 and APN 045-244-010
- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation, one case

Attended by Councilmembers Feierbach, Dickenson, Wozniak, Lieberman, Braunstein, City Manager Crist, City Attorney Zafferano, Special Counsel Ramiza, Finance Director Fil, Community Development Director de Melo. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M.

Terri

Cook

City Clerk

This meeting was not tape recorded or videotaped.

REGULAR MEETING CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Human Resources Director Dino, Interim Public Works Director Borrmann, Police Chief Mattei, Assistant Finance Director Lazzari, Fire Chief Fry, City Treasurer Violet, and City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by Cathy Quon, Pancreatic Cancer Action Network.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that direction was given but no action taken on the Closed Session held earlier.

SPECIAL PRESENTATIONS

Proclamation Declaring November as Pancreatic Cancer Awareness Month

Mayor Braunstein read the Proclamation.

Cathy Quon, Pancreatic Cancer Action Network, stated she is a pancreatic cancer survivor. She described the mission of the Network's nonprofit organization. She noted the low level of research funding that pancreatic cancer receives.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Braunstein announced upcoming Halloween activities. He reminded voters of the City Council election on November 3.

AGENDA AMENDMENTS

City Clerk Cook noted that members of the public requested the removal of Consent Items 4-B (Written Communication: CPUC Three Application Filings by PG&E) and 4-E (Resolution Authorizing the Filing of an Application for the Pavement Management Technical Assistance Program (P-TAP) Round 11 with the Metropolitan Transportation Commission) for separate consideration.

Councilmember Feierbach requested the removal of Consent Item 4-C (Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement, and Related Documents related to Proposition 1A) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of September 22, 2009

Approval of Resolution 10179 Approving Amendment No. 1 to the Professional Services Agreement with Michael Brown Consulting, LLC to Assist the City with Negotiating an Agreement with Recology for Solid Waste Services in an Amount not to exceed \$30,000 and Authorizing a Contingency of \$3,000

Approval of Resolution 10180 Adopting the South Bayside System Authority (SBSA) Voluntary Dental Amalgam Management Program

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Written Communication: CPUC Three Application Filings by PG&E to Recover Costs Associated with the Agreement from its 2008 Long Term Request for Offers and Two from the 2009 Smart Grid Applications

Councilmember Wozniak noted that this item is another request from PG&E for cost recovery.

Councilmember Dickenson suggested that PG&E customers communicate with the City Council regarding their feelings on these matters.

Gladwyn D'Souza, Belmont resident, noted that PG&E does not reimburse customers for excessive power generation. He stated his home generates more energy than it uses.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, and unanimously approved by a show of hands to file Written Communication: CPUC Three Application Filings by PG&E to Recover Costs Associated with the Agreement from its 2008 Long Term Request for Offers and Two from the 2009 Smart Grid Applications.

Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement, and Related Documents, with Respect to the Sale of the City

of Belmont's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith (State Budget Property Tax Loan)

Councilmember Feierbach requested clarification from Finance Director Fil regarding this issue.

Finance Director Fil explained that Proposition 1A allows the State to borrow property tax revenues from cities on a short-term basis, and repayment is deferred to a subsequent year. He explained the formation of a new joint powers authority (JPA), California Communities, which enables cities to purchase loans at no cost. He described how this JPA will sell bonds in order to provide the proceeds to make up the difference in the monies taken by the State. He clarified there is no risk to cities, and bonds have already been sold.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, Resolution 10181 Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement, and Related Documents, with Respect to the Sale of the City of Belmont's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith (State Budget Property Tax Loan) was unanimously approved by a show of hands.

Resolution Authorizing the Filing of an Application for the Pavement Management Technical Assistance Program (P-TAP) Round 11 with the Metropolitan Transportation Commission (MTC) for the Total Maximum Amount of \$20,000, and Committing the Necessary Local Match in the Amount of \$4,000

Gladwyn D'Souza, Belmont resident, stated that new pavement creates more pollution and increases vehicular speed. He stated that speed cushions are needed on his street. He noted that there is an increase in storm water runoff on impermeable surfaces. Other options are available.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Resolution 10182 Authorizing the Filing of an Application for the Pavement Management Technical Assistance Program (P-TAP) Round 11 with the Metropolitan Transportation Commission (MTC) for the Total Maximum Amount of \$20,000, and Committing the Necessary Local Match in the Amount of \$4,000 was unanimously approved by a show of hands.

NEW BUSINESS

Resolution Authorizing the Execution and Delivery of an Installment Purchase Agreement, a Notice of Sale and an Official Statement, and Authorizing Certain Related Matters (2009 Sewer Treatment Facility Bonds)

Finance Director Fil clarified that this action will fund Belmont's share of the new sewer treatment facility. Bonds will be sold to repay the previous loan, and a new invoice from South Bayside System Authority has now come due. The City of Belmont will be borrowing as needed for the duration of this project.

Tim Schaffer, Bond Consultant, described the competitive bid process for the sale of the bonds. He reviewed sources and uses of funds for the bond issuance. He clarified that the City will be borrowing against the future sewer facility fees, which were deferred for two years. He outlined

the debt service schedule as well as the milestone dates. He noted that the Standard and Poors gave these bonds a AA rating, which is better than expected.

Finance Director Fil noted that there is a companion item on the Belmont Fire Protection District agenda. He stated that the Finance Commission reviewed this matter and unanimously recommended approval, and City Treasurer Violet has been involved throughout this process, and also supports the resolution.

Discussion ensued regarding details of the debt service schedule.

Bond Consultant Schaffer explained that Build America was created as a result of the federal stimulus program. He explained the background of the program as well as the subsidy from the federal government. Bond bidders are able to make a choice of taxable bonds through Build America, or tax-exempt bonds, and there is a different market with each type of program. He noted that the market will dictate which option is selected by the bond bidders.

Finance Director Fil added that these options bring more potential bidders to the market.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Feierbach, Resolution 10181 Authorizing the Execution and Delivery of an Installment Purchase Agreement, a Notice of Sale and an Official Statement, and Authorizing Certain Related Matters (2009 Sewer Treatment Facility Bonds) was approved by a show of hands (4-1, Dickenson no).

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak stated that she attended a retreat with the Peninsula Congestion Relief Alliance, as well as a meeting of the Peninsula Cities Consortium for the High-Speed Rail.

Councilmember Dickenson provided a copy of the draft letter to the City of Redwood City regarding the Highway 101 landscaping issue.

Mayor Braunstein outlined the topics that were discussed at a recent Notre Dame de Namur Advisory meeting.

Verbal Report from City Manager

City Manager Crist stated that third-quarter sales tax declined 35 percent for the City of Belmont. He noted this is a statewide issue. General fund reductions will be likely at the mid-year review.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

State Water Diversion Policy (Dickenson)

Councilmember Dickenson expressed his desire to protect Northern California water resources. He recommended the Council consider a resolution opposing the proposed State legislation regarding water, which would reallocate more water to Southern California. He noted that

Northern California possesses water reserves and does a good job conserving water in order to maintain those reserves.

Council concurred to have staff draft a resolution for future consideration.

ADJOURNMENT at this time, being 8:30 p.m.

Cook

Terri

City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 739